

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLEMENT BROWN,

Petitioner,

vs.

ROBERT W. AYERS, JR., Warden,

Respondent.


No. C 08-5242 JSW (PR)

**ORDER OF TRANSFER**

Petitioner is a state prisoner currently incarcerated at the California Substance Abuse Treatment Facility, located in Corcoran, California, within the venue of the United States District Court for the Eastern District of California. On November 19, 2008, Petitioner filed this petition regarding two disciplinary hearing reports for contraband that he was issued in 2006, which he contends violate his due process rights and will continue to affect his parole suitability determinations before the Board of Parole Hearings. Petitioner has paid the filing fee.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* However, if the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. *See* Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249

IT IS SO ORDERED.

  
JEFFREY S. WHITE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

CLEMENT BROWN,  
Plaintiff,

Case Number: CV08-05242 JSW

**CERTIFICATE OF SERVICE**

v.

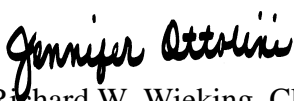
ROBERT AYERS JR et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 26, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Clement Brown  
P.O. Box 5248  
D19013  
Corcoran, CA 93212

Dated: January 26, 2009

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk